

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appl. No. 09/750,489
Attorney Docket No.: A8118

REMARKS

Claims 1-35 and 37-39 are all the claims pending in the application. Claims 1-35 and 37-39 presently stand rejected. By this amendment, Applicant amends claims 37 and 38 to change the dependency of these claims to claim 35 and not the canceled claim 36.

Summary of the Office Action

The Examiner objected to claims 37-39 for minor informalities and rejected claims 1-35 and 37-39 under 35 U.S.C. § 103(a).

Statement of Substance of the Interview

In view of the maintained rejections, Applicant contacted the Examiner to discuss the rejections of record.

Applicant thanks the Examiner for the courteous telephonic interview on May 31, 2005 where the Examiner acknowledged an inconsistency in the Final Office Action dated April 5, 2005 and asked that Applicant submit a formal response emphasizing that claim 1 requires "a client application at a first computer" and "a client application at the second computer" for further consideration of the claimed features. The Statement of Substance of the Interview is as follows:

During the interview independent claim 1 was discussed in view of the combined teachings of Boudou and Beck. The Examiner noted that the ENQUEUE and the DEQUEUE operations are made possible by an application or a program and that these inherent programs of Boudou are client programs because they are run on client computers. The Examiner acknowledged that Boudou discloses only nodes. The Examiner, however, alleged that Beck

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teaches the concept of a client/server, where the client requests certain operations to be performed and the server implements them. Accordingly, the Examiner reasoned that the client is equivalent to the first node as taught by Boudou and the server is equivalent to the second node as taught by Boudou.

Applicant respectfully pointed out that claim 1 requires "a client application at a first computer" and "a client application at the second computer." According to the Examiner's interpretation of the Boudou in view of the client/server system, the server has to run the second client application to perform the DEQUEUE operation. This, however, would contradict the Examiner's interpretation of the client application (i.e., as an application being executed on a client in a client/server model).

The Examiner noted the above-described inconsistency and asked that Applicant submit a formal response summarizing the inconsistency for further consideration of the claimed features. As requested by the Examiner, a formal response is set forth below.

Claim Objections

The Examiner objected to claims 37-39 because of minor informalities. Applicant has revised claims 37 and 38, and respectfully submits that the claims 37 and 38 as now presented no longer include the potential informality mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to claims 37 and 38.

With respect to claim 39, Applicant respectfully disagrees with the Examiner. The Examiner alleges that there are different queue managers resided in the first and second computer. Applicant respectfully submits, however, that the specification provides adequate

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support for connecting to the same queue manager. For example, Applicant respectfully directs the Examiner's attention to pages 48 and 49 of the specification, which describe an exemplary, non-limiting embodiment of putting and retrieving a message from the messaging queue.

In the pseudo code described in this exemplary embodiment, when the message is placed into a queue, the first computer connects to a queue manager "SANJOSE.QUERY.MANAGER" (page 48, line 19) and when the second computer retrieves the message from the queue, it connects to the queue manager "SANJOSE.QUERY.MANAGER" (page 49, line 15). Accordingly, since the specification clearly support the first and the second computers connecting to the same queue manager, it is appropriate and necessary for the Examiner to withdraw this objection to claim 39.

Prior Art Rejections

Claims 1-35, 37, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,009,472 to Boudou et al. (hereinafter "Boudou") in view of U.S. Patent No. 6,742,050 to Beck et al. (hereinafter "Beck") and claims 39 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Boudou in view of Beck and further in view of U.S. Patent No. 6,446,206 to Feldbaum (hereinafter "Feldbaum"). Applicant respectfully traverses in view of the following comments.

In response to the arguments presented in the Amendment under 37 C.F.R. § 1.111 filed on October 27, 2004, the Examiner maintained the rejections finding Applicant's arguments unpersuasive. The Examiner further clarified his position on pages 7-9 of the Office Action

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Specifically, the Examiner alleged that it is not the Boudou's communication module ISL that is being cited as being equivalent to the first and second client programs but some *inherent software program* that performs the ENQUEUE and the DEQUEUE operations (see page 8 of the Office Action). The Examiner further noted that Beck is simply used for the well-known concept of connecting computers to the server (see page 9 of the Office Action). The Examiner further noted that the inherent software applications are client applications because the nodes as disclosed in Boudou are client computers (see pages 8-9 of the Office Action).

Applicant respectfully disagrees with the Examiner. In particular, Applicant respectfully submits that the combined teachings of Boudou and Beck fail to teach or suggest at least the following unique features of claim 1:

under control of a first client application at
the first computer,

creating a message, wherein the message comprises
at least one out of a group of: an event
notification with zero text and zero content
identifiers, a text message, and a content
identifier; and

putting the message into a message queue; and

under control of a second client application at
the second computer, retrieving the message from
the message queue.

For example, in the illustrative embodiment of the present invention, it is disclosed that a messaging service in a federated content management system is provided. Specifically, the illustrative embodiment discloses that the client computer typically executes a client application such as a browser (see page 40 of the specification).

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The exemplary embodiment further discloses that the federated content management system presents a unique challenge for design of a technique for passing messages, forwarding contents, and providing event notification because of the heterogeneous back-end servers which store and retrieve different types of content. In the embodiment of the present invention, however, when the browser (e.g., Enterprise Information Portal) at the first client computer requests a search from a server computer and the results may include a list of items from multiple servers, these results can be passed to the second browser of the second client computer (see pages 41 and 42 of the specification). It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Applicant respectfully submits that in general, Boudou relates to a distributed information system where the tasks are distributed over several nodes. Each node may contain a number of processors, its own operating system and so on. When the execution of tasks is split up over various nodes it is important to obtain quick communication between these nodes so as to synchronize nodes, transfer data and transmit commands between these nodes (col. 1, lines 40 to 54). That is, Boudou discloses a direct communication between nodes to speed up the transfer of data, messages and so on.

In Boudou, the communication is between processors. When sending instructions to the ISL module, which in turn forwards the instructions to the respective node, the processor operates in a kernel mode, a privileged mode. That is, the processor and the ISL module provide

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low-level hardware interfaces and have nothing to do with client interfaces and/or client programs.

To somehow meet the unique features of claim 1, the Examiner alleged that Boudou inherently has some software instructions for performing the enqueue and dequeue operations, and although in Boudou all nodes are the same (no server/client relationship), Beck discloses the well known concept of the server/client. Accordingly, since the inherent software instructions for the enqueue operation are performed by the client, i.e., the first node (the alleged first computer), the inherent software instructions are client applications as they are ran on the client (see comments set forth above in the section titled Statement of Substance of the Interview and pages 8-9 of the Office Action).

The Examiner alleges that Boudou discloses a client application because the application is executed on the client computer; the server, however, is not the client in the client/server concept and the server would not execute a client application, as defined by the Examiner. This inconsistency was discussed during the Interview, as described in the foregoing comments. Accordingly, Applicant respectfully submits that Boudou's nodes with direct communication combined with the concept of the client/server system as taught by Beck do not teach or suggest a second client application at the second computer retrieving the messages placed in the queue by the first client application.

In summary, Applicant respectfully submits that in this interpretation, or in any other possible combination, of the prior art references, the combined teachings of Boudou and Beck fail to teach or suggest creating and putting a message into a queue under the control of the first

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client application at the first computer and retrieving the message from the queue under the control of the second client application at the second computer.

Based on at least the foregoing reasons, Applicant respectfully submits that the combination of Boudou and Beck fails to teach or suggest *"under control of a first client application... putting the message into a message queue"* and *"retrieving the message from the message queue under a control of a second client application."* Therefore, the combination of Boudou and Beck clearly cannot render the present invention obvious as recited in claim 1. Thus, Applicant respectfully submits that claim 1 is allowable and further submits that claims 2-9 are allowable as well, at least by virtue of their dependency. Applicant respectfully requests the Examiner to reconsider and to withdraw the § 103(a) rejection of claims 1-9.

Next, Applicant respectfully traverses this rejection with respect to the rest of the claims 10-35, 37 and 38. Of these claims, only claims 10, 19, 28, and 35 are independent. Among a number of unique features not taught by the cited prior art references, claims 10, 19, 28, and 35 contain features that are similar to the features argued above with respect to claim 1, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same exemplary reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of the independent claims 10, 19, 28, and 35 and their dependent claims 11-18, 20-27, 29-34, 37, and 38.

Finally, claim 39 is rejected as being obvious over Boudou and Beck in view of Feldbaum. First, Applicant respectfully submits that Feldbaum fails to cure the deficient teaching of Boudou and Beck, and as such claim 39 is patentable at least by virtue of its

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dependency on claim 35. Moreover, one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner as the access to the message queue is already being controlled by a method disclosed in Boudou (see cols. 14 and 16). For at least this additional reason, claim 39 is patentable over the combined teachings of Boudou, Beck, and Feldbaum.

Incomplete Office Action

Finally, the Examiner failed to respond to all the arguments raised by the Applicant. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. MPEP § 707.07(f). For example, Applicant presented additional arguments for the independent claim 28, (see pages 23-25 of the Amendment under 37 C.F.R. § 1.111 filed October 27, 2004), claims 29, 30, and 33 (see *Id.* page 25-26), claims 35, 37, and 38 (see *Id.* pages 26-28). Accordingly Applicant's undersigned representative respectfully requests that the Examiner issue a new Office Action with a new restart date pursuant to MPEP § 710.06, which would address Applicant's additional arguments with respect to claims 28, 29, 30, 33, 35, 37, and 38 or to allow the above-identified application.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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CUSTOMER NUMBER

Date: June 6, 2005

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